

REMARKS

Claims 32-39 are now pending in this application. Claim 32 is independent. Claims 1-31 have been canceled. Claims 32-39 have been added to read on the elected species and to avoid the previously stated bases for rejection. No new matter is involved with any new claim.

Election of Species

The Examiner required election between asserted Species A, FIG. 1; Species B, FIG. 2; Species C, FIG. 3; Species D, FIGS. 4a-4b; and Species E, FIGS. 4c-4d.

Applicants elect Species D, FIGS. 4a-4b, without traverse. All pending claims in this application read on Species D, *i.e.*, FIGS. 4a-4b.

Indefiniteness Rejection Under §112¶2

Withdrawal of the rejection of claims 14-31 under 35 U.S.C. §112, second paragraph, as being indefinite, is requested. These claims have been canceled, thus rendering their rejection moot.

Enablement Rejection Under §112¶1

Withdrawal of the rejection of claim 26 under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement is requested. Claim 26 has been canceled, thus rendering its rejection moot.

Written Description Rejection Under §112¶1

Withdrawal of the rejection of claim 26 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement is requested. Claim 26 has been canceled, thus rendering its rejection moot.

Anticipation Rejection By Markus

Withdrawal of the rejection of claims 14-15, 17, and 22 under 35 U.S.C. §102(b) as being anticipated by Markus et al. (US 4,194,431) is requested. These claims have been canceled, thus rendering their rejection moot.

Anticipation Rejection By Bullat

Withdrawal of the rejection of claims 14-15, 17-18, 20, and 22 under 35 U.S.C. §102(b) as being anticipated by Bullat (US 6,012,162) is requested. These claims have been canceled, thus rendering their rejection moot.

Unpatentability Rejection over Bullat in View of Barrett

Withdrawal of the rejection of claims 28-31 under 35 U.S.C. §103(a) as being unpatentable over Bullat in view of Barrett (US 4,836,079) is requested. These claims have been canceled, thus rendering their rejection moot.

Anticipation Rejection By Chung

Withdrawal of the rejection of claims 14-16, 19, 21, and 23-24 under 35 U.S.C. §102(b) as being anticipated by Chung (US 5,536,686) is requested. These claims have been canceled, thus rendering their rejection moot.

Anticipation Rejection By Sauret et al.

Withdrawal of the rejection of claims 14-16, and 21 under 35 U.S.C. §102(b) as being anticipated by Sauret et al. (US 4,321,777) is requested. These claims have been canceled, thus rendering their rejection moot.

New Claims

New claims 32-39 have been drafted in respect of the election of species "D", and also to avoid the applied art. The following discussion is provided to aid in the Examiner's review.

Applicants' Disclosure

Applicants submit that the recited invention as now claimed is clearly different from the applied art. The presently claimed subject-matter relates to a ballistic protection having the following features:

- at least two substantially plate-shaped protective elements;
- one or more layers of liquid stored in one or more containers;
- one or more elastic bodies.

Also:

- the one or more layers of liquid is arranged between the at least two substantially plate-shaped protective elements;
- the at least two substantially plate-shaped protective elements are drawn towards each other by being connected to the one or more elastic bodies.

As described in the description (at least at page 3, lines 21-29), in a ballistic protection thus conceived, the liquid is arranged between the at least two substantially plate-shaped protective elements so as to turn the projectile, after it has hit one of the plate-shaped protective elements. The projectile is consequently much easier to capture and stop when it hits the second plate-shaped protective elements that stops the projectile in the same manner as a low-velocity projectile.

Also, the ballistic protection of the invention does not require particular liquids to be

used. As explained on page 3, lines 34-39, the liquid may be water and, in such a case, the liquid container can be used for storing drinking water; in this connection the container may be provided with a tapping system which permits the user to drink directly from the container.

Markus '131 patent

Markus discloses an active armor in which a thin layer of a liquid reactant (comprising an amalgam sodium, potassium or lithium) is provided over or in an armor plate so as to effect embrittlement of the forward portions of projectiles which strike the armor.

Thus, *Markus* does not disclose at least two recited features of the present invention, *i.e.* the presence of one or more elastic bodies and the fact that the two plate-shaped protective elements are drawn towards each other by being connected to the elastic body or bodies. Also, the functioning principle of the armor of *Markus* (*i.e.* the use of liquid metal reactants having an embrittling effect on the forward portion of the projectile) is totally different from the one of the disclosed and claimed invention, in which the liquid turns the incoming projectile, slowing it down before it reaches the second plate.

The subject matter of the present invention is therefore completely different from that of *Markus*, and there is nothing in *Markus*, either taken alone or in combination with other documents, that would motivate the skilled in the art to modify the armor disclosed therein so as to arrive to the ballistic protection as presently recited.

Bullat '162 patent

In brief, *Bullat* discloses a body armor provided with a hardened armor section under which there is a layer incorporating one or more inflatable fluid cushions connected to a reservoir of fluid under pressure. The purpose of the cushions is to minimize the impact energy transferred from the hardened armor section to the user's body. To this purpose, the body armor is provided with impact sensors that direct the fluid from the reservoir to the cushions upon

projectile impact; the reservoir can also be directed to supply fluid to the cushions upon user demand. In other words, the cushions of Bullat act as air bags which are interposed between the hardened armor section and the body of the user so as to minimize the transfer of impact energy from the former to the latter.

Thus, the cushions are not arranged between two plate-shaped protective elements as recited. Also, *Bullat* does not disclose the presence of one or more elastic bodies, and that the two plate-shaped protective elements are drawn towards each other by being connected to the elastic body or bodies, as claimed.

The subject matter of the claimed invention is therefore completely different from that of *Bullat*, and there is nothing in *Bullat*, either taken alone or in combination with other documents, that would motivate a person with skill in the art to modify the body armor disclosed therein so as to arrive to the ballistic protection of the present invention.

Sauret '777 patent

Sauret discloses a composite pane comprising at least one sheet of plastic material which has a high impact resistance and is interposed between two sheets of glass or the like. A film of transparent fluid is interposed between the sheet of plastic material, in general polycarbonate, and each adjacent sheet of glass. The purpose of the film of transparent fluid is to avoid the problems generated when the sheet of polycarbonate adheres to the sheets of glass (*i.e.* lower than expected impact resistance of polycarbonate, problems generated by the different coefficients of expansion of glass and polycarbonate, see col. 1, lines 18-26).

It is therefore clear that the film of transparent fluid is not arranged between two plate-shaped protective elements (the glass sheet cannot certainly be considered as protective elements against projectiles) as recited by Applicants, and it has a purpose totally different from the purpose of the containers of liquid of the present invention. Also, *Sauret* does not disclose the presence of one or more elastic bodies and that the two plate-shaped protective elements are

drawn towards each other by being connected to the elastic body or bodies, as also claimed.

Thus, the subject matter of the claimed invention is therefore completely different from that of *Sauret*, and there is nothing in *Sauret*, either taken alone or in combination with other documents, that would motivate the skilled in the art to modify the pane disclosed therein so as to arrive to the ballistic protection of the present invention.

Barrett '079 patent

Barrett discloses a bomb blast inhibitor comprising a generally flexible container filled with a liquid. The container is shaped and adapted to substantially cover a bomb. Thus, the container of *Barrett* is totally unrelated with the ballistic protection of the disclosed and claimed invention, both in terms of structure and in terms of function.

Chung '686 patent

Chung discloses a binder for binding reinforcement materials in which certain metal compounds are combined with a phosphorus-containing compounds. The apparatus in Fig. 1 is a metal infiltration apparatus for preparing reinforced materials according to the method disclosed therein. It is not clear why the Examiner has cited this reference, as it is totally unrelated with the previously and presently recited invention.

Conclusion

In view of the above amendment and remarks, Applicants believe that each of pending claims 32-39 in this application is in immediate condition for allowance. An early indication of the same would be appreciated.

In the event the Examiner believes an interview might serve to advance the prosecution of this application in any way, the undersigned attorney is available at the telephone number indicated below.

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Docket No.: 22106-00088-US1

Amendment filed 9/5/06

In response to Office Action mailed 3/3/06

For any fees that are due, including fees for extensions of time, the Director is hereby authorized to charge any fees or credit any overpayment during the pendency of this application to CBLH Deposit Account No. 22-0185, under Order No. 22106-00088-US1 from which the undersigned is authorized to draw.

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Respectfully submitted,

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